



CIVIL ORDERS OF PROTECTION

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CIVIL ORDERS OF PROTECTION:

Civil Restraining Order

– an order issued by a Connecticut court to provide relief from physical abuse, stalking, or a pattern of threatening from a family or household member ([CGS § 46b-15](#)).

Civil Protection Order

– an order issued by a Connecticut court to provide protection to a victim of sexual abuse, sexual assault, or stalking who is not eligible for a restraining order ([CGS § 46b-16a](#)).

Foreign Order of Protection

– a court order registered in Connecticut but issued by another state; the District of Columbia; a U. S. commonwealth, territory, or possession; or an Indian tribe to prevent violence, threatening acts, or harassment against; contact or communication with; or physical proximity to another person ([CGS § 46b-15a](#)).

ISSUE

Describe the various civil orders of protection available in Connecticut.

SUMMARY

There are three types of civil orders of protection that may be issued or registered in Connecticut: civil restraining orders, civil protection orders, and foreign orders of protection (see sidebar).

Certain victims may apply for a civil restraining or a civil protection order and the court may issue either without the accused person being arrested. In issuing any such order, the court may consider any relevant court records available to the public from a Superior Court clerk or on the Judicial Branch's website ([CGS § 46b-15](#) and [CGS § 46b-16a\(b\)](#)).

The Judicial Branch pays for the cost of serving civil restraining and civil protection orders ([CGS § 46b-15\(g\)](#) and [CGS § 46b-16a\(d\)](#)).

A civil order of protection issued by a Connecticut court is effective for up to one year unless extended by the court upon the applicant's motion.

Violation of an order is a class D felony, except violation of a civil restraining order is a class C felony in certain situations.

All civil orders of protection, including registered foreign orders, must be included in the state Protection Order Registry, which is an automated repository that provides

current information on orders of protection to the courts and the criminal justice community ([CGS § 51-5c](#)).

CIVIL RESTRAINING ORDERS

Any family or household member subjected to a continuous threat of physical pain or physical injury, stalking, or a pattern of threatening may apply to the Superior Court for a restraining order. By law, “family or household members” are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating ([CGS § 46b-38a](#)).

Obtaining a Restraining Order

To obtain a restraining order, the victim must file an application and affidavit with the court stating the condition from which relief is sought. A civil restraining order application form must allow the applicant, at his or her option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses firearms or ammunition. The court must hold a hearing on the application within 14 days of receiving the application. It must give the alleged offender at least five days notice before the hearing, except it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order) ([CGS § 46b-15\(b\) & \(g\)](#)).

An action for a restraining order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances ([CGS § 46b-15\(j\)](#)).

Measures a Court May Include in a Restraining Order

The court may issue an order it deems appropriate to protect the applicant and any dependent children or other people ([CGS § 46b-15](#)).

A restraining order, whether issued ex parte or after a hearing, may include temporary child custody or visitation rights and provisions to protect animals. It may also prohibit the person against whom the order is filed (i.e., respondent) from:

1. imposing any restraint on the applicant;
2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; or
3. entering the home of the family or applicant ([CGS § 46b-15\(b\)](#)).

[PA 14-217 § 120](#) allows the court to also include certain financial support measures in its order.

Financial Support Measures. The court has several additional options in cases where the applicant and respondent are married or have dependent children in common. In such cases, and where no order exists and the court finds it must provide for the safety and basic needs of the applicant or the children, it may, if it issues an ex parte order:

1. prohibit the respondent from taking any action that could result in necessary utility services or other necessary services related to the family's or the applicant's home being shut off;
2. prohibit the respondent from taking action that could result in the cancellation or change of health, automobile, or homeowners' insurance policy coverage or designated beneficiary to the detriment of the applicant or any dependent children they have in common;
3. prohibit the respondent from transferring, encumbering, concealing, or disposing of specified property the applicant owns or leases; or
4. require the respondent to temporarily provide the applicant with an automobile, a checkbook, health documents, automobile or homeowners insurance, a document needed to prove identity, a key, or other necessary specified personal effects ([CGS § 46b-15\(c\)](#)).

At the hearing on the application the court may, in addition to the above measures, order the respondent to:

1. make rent or mortgage payments on the family home or the home of the applicant and their dependent children;
2. maintain utility services or other necessary services related to the family home or the home of the applicant and their dependent children;

3. maintain all existing health, automobile, or homeowners insurance coverage without change in coverage or beneficiary designation; or
4. provide financial support for any dependent children, if the respondent has a legal duty to support them and the ability to pay.

The court may not enter any financial measures without sufficient evidence of a person's ability to pay, including financial affidavits. And, any amounts not paid or collected under an order may be preserved and collected in a divorce, custody, paternity, or support action.

If the court does not order any of the financial measures at the hearing, it may not do so afterwards. If such an order is entered at a hearing, it cannot be modified and must expire 120 days after the issue date or upon issuance of a superseding order, whichever occurs first ([CGS § 46b-15\(d\)](#)).

Specific Court Order Disclosures

Any civil restraining order the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties. The court order must also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties ([CGS § 46b-15\(e\)](#)).

Duration and Termination of Civil Restraining Orders

An order is effective for up to one year unless extended by the court upon the applicant's motion. If the respondent did not appear at the hearing on the first application, service of a motion to extend an order may be made by first-class mail directed to the respondent at his or her last-known address ([CGS § 46b-15\(f\)](#)).

Penalties for Violating a Civil Restraining Order

Criminal violation of a civil restraining order is a class D felony, punishable by up to five years in prison, a \$5,000 fine, or both ([CGS § 53a-223b\(a\)](#)).

Under [PA 14-217 § 124](#), the crime becomes a class C felony if the violation involves (1) imposing any restraint on the person or liberty of a person in violation of the order or (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking a person in violation of the order ([CGS § 53a-223b\(c\)\(2\)](#)).

A class C felony is punishable by imprisonment ranging from one to 10 years, a fine up to \$10,000, or both.

It is 1st degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil restraining order ([CGS § 53a-107](#)). First-degree criminal trespass is a class A misdemeanor, punishable by up to one year in prison, a \$2,000 fine, or both.

CIVIL PROTECTION ORDERS

[PA 14-217 §§ 186 - 190](#)), effective January 1, 2015, created a new type of order called a civil protection order. Under the act, the Superior Court may issue such an order to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court order of protection arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, because he or she is not a family or household member ([CGS § 46b-16a](#)).

Obtaining a Civil Protection Order

As is the case for civil restraining orders, an applicant for a civil protection order must provide, an affidavit made under oath and include a statement of the specific facts that form the basis for relief. The affidavit must accompany the application ([CGS § 46b-16a\(b\)](#)).

The court must hold a hearing on the application within 14 days of receiving the application. It must give the alleged offender at least five days notice before the hearing, except it may issue an ex parte order if there is an immediate and present physical danger to the applicant ([CGS § 46b-16a\(b\)&\(d\)](#)).

Measures a Court May Include in a Civil Protection Order

Under the law, the court may make such orders as it deems appropriate to protect the applicant if it finds reasonable grounds to believe that the respondent (1) has committed an act or acts constituting grounds for it to issue an order and (2) will continue to commit such an act or acts designed to intimidate or retaliate against the applicant.

A civil protection order may include an order prohibiting the respondent from:

1. imposing any restraint on the applicant's person or liberty;
2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and
3. entering the applicant's dwelling ([CGS § 46b-16a\(b\)](#)).

An action for a civil protection order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances ([CGS § 46b-16a\(e\)](#)).

Specific Court Order Disclosures

Every civil protection order issued after a hearing must be accompanied by a notice consistent with the federal full faith and credit provisions ([CGS § 46b-16a\(d\)](#)).

Duration and Termination of Civil Protection Orders

A civil protection order, whether issued ex parte or after a hearing, must not exceed one year, unless extended by the court. The court may extend the order if:

1. the applicant filed a proper motion,
2. a proper officer has served the respondent a copy of the motion,
3. no other protection order based on the same facts and circumstances is in place, and
4. the need for protection still exists ([CGS § 46b-16a\(c\)](#)).

Penalties for Violating a Civil Protection Order

It is a crime for someone who has a civil protection order against him or her and knows of its terms to violate the order ([CGS § 53a-223c](#)). Criminal violation of a civil protection order is a class D felony.

It is 1st degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protection order ([CGS § 53a-107](#)).

FOREIGN ORDERS OF PROTECTION

A “foreign order of protection” is any injunction, restraining order, or any other order issued by a civil or criminal court to prevent violent or threatening acts or harassment against, sexual violence, or contact or communication with, or physical proximity to, another person or similar restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, U.S. territory or possession, or an Indian tribe (18 USC § 2266 and [CGS § 46b-15a](#)).

Full Faith and Credit

By law, a valid foreign order of protection must be given full faith and credit and, in compliance with the federal Violence Against Women Act, may be enforced as if it were issued in Connecticut. It must be presumed valid if it appears authentic on its

face. The fact that a foreign order of protection has not been entered in the automated registry of protective orders, the Connecticut On-line Law Enforcement Communication Teleprocessing System, or the National Crime Information Center computerized index of criminal justice information is not grounds for refusing to enforce it ([CGS § 46b-15a](#)).

Child Custody Provisions

A child custody provision in a foreign order of protection may be enforced in Connecticut if it (1) complies with the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act and (2) is consistent with the federal Parental Kidnapping Prevention Act ([CGS § 46b-15a\(e\)](#)).

Registration

Valid foreign protection orders are registered in Connecticut through the Superior Court ([CGS 46b-15a](#)).

They may be registered by sending the following to the court:

1. a letter or other document requesting registration;
2. two copies, including one certified copy, of the order and a statement under penalty of perjury that, to the best of the petitioner's knowledge and belief, the order has not been modified; and
3. the name and address of the person seeking registration, except if the disclosure would jeopardize the person's safety ([CGS § 46b-15a\(f\)](#)).

By law, the registering court must cause a foreign order of protection to be filed as a foreign judgment and entered in the automated protective orders registry ([CGS § 46b-15a\(g\)](#)).

Penalty for Violating a Foreign Order of Protection

A person who violates a foreign order of protection is guilty of a criminal violation of a civil restraining order which is a class D felony (see above) ([CGS § 53a-223b](#)).

RELATED REPORTS:

1. [OLR 2014-R0243](#) – Service of Civil Restraining Orders in Certain States
2. [OLR 2014-R-0181](#) – Firearms Possessions and Domestic Violence Restraining or Protective Orders and Conviction

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